

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2018

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P.No.16131 of 2018
and W.M.P.No.19181 of 2018

S.P.Venkateswaran

Deputy General Secretary

Pattali Makkal Katchi (P.M.K.)

Samichetty Patty Post

Nallampalli Taluk

Dharmapuri District.

.. Petitioner

Vs

1. The Director General of Police
Head of Police Force
Mylapore
Chennai 600 004.

2. The Superintendent of Police
Dharmapuri District
Dharmapuri.

3. The Deputy Superintendent of Police
Harur Sub-Division
Harur, Dharmapuri District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus calling for the records of impugned order made in Na.Ka.No.45/Kaa.Thu.Ka./Harur Sub-Division/2018 dated 25.06.2018 passed by the third respondent and quash the same, consequently direct the respondents to grant permission to hold public hearing meeting by Dr.Anbumani Ramadoss, sitting MP of Dharmapuri Parliament Constituency and Chairman, Central Vigilance Committee in villages of Harur Taluk, Dharmapuri District, where Chennai - Salem Express Way Green Corridor is likely to pass through lands of Farmers between 1st and 5th July 2018.

For petitioner : Mr.N.L.Rajah,
Senior Counsel
for Mr.K.Balu

For respondents: Mr.P.H.Arvind Pandian
Additional Advocate General
Assisted by
Mr.D.Raja, Addl.Govt.Pleader

ORDER

This petition has been filed seeking a writ of certiorarified mandamus calling for the records of the impugned order made in Na.Ka.No.45/Kaa.Thu.Ka./Harur Sub-Division/2018 dated 25.06.2018 passed by the third respondent and quash the same and consequently, direct the respondents to grant permission to hold public hearing meeting by Dr.Anbumani Ramadoss, sitting Member of Parliament of Dharmapuri Parliament Constituency and Chairman, Central Vigilance Committee in villages of Harur Taluk, Dharmapuri District, where Chennai - Salem Expressway Green Corridor is likely to pass through lands of farmers between the 1st and 5th July 2018.

2. Law permits the Courts to take judicial notice of certain noteworthy facts. One such noteworthy fact is the issue relating to laying of 8-lane Expressway from Salem to Chennai. The petitioner is the Deputy General Secretary of Pattali Makkal Katchi (for short "the P.M.K."), whose Member of Parliament Dr.Anbumani Ramadoss, has been elected from Dharmapuri Constituency. On behalf of the P.M.K. and on behalf of Dr.Anbumani Ramadoss, the petitioner gave a representation dated 22.06.2018 to the Superintendent of Police, Dharmapuri, seeking permission for Dr.Anbumani Ramadoss to go around two villages, viz., Erulapatty, Papireddipatti Taluk and Muthanoor, Harur Taluk around 3.00 p.m. and 4.30 p.m. respectively on 27.06.2018, to gather public opinion with regard to the proposed project. This request has been rejected by the District administration by the impugned order dated 25.06.2018 on six grounds, which are as under:

- "i An order for a period of 15 days clamped under Section 30(2) of Tamil Nadu Police Act, 1861 is in force from 16.06.2018 to 30.06.2018
- ii The survey and measurement works are being carried out by the Revenue Authorities and of the Highways Department for the 8 land Express Green Corridor in Erulapatty and Muthanoor Villages where the public hearing is proposed to be held. The survey work in these villages has not been completed
- iii If public hearing meeting is held under the existing circumstances, it is likely that the law and order situation in Erulapatty and Muthanoor villages and in the neighboring villages will be disturbed
- iv Based on our intelligent inputs and taking into account the mood of the public and the prevailing law and order situation, it is likely that action of your party will cause extraordinary situation
- v Hence, you are hereby informed that the permission sought for on behalf of PMK party to conduct public hearing in Harur Sub-Division on 27.06.2018 is denied
- vi As an alternative, after getting requisite permission, the public hearing meeting can be held in Dharmapuri, the District Headquarters.

Challenging the said order, this writ petition has been filed.

3. Heard Mr.N.L.Rajah, learned Senior Counsel, representing Mr.K.Balu, learned counsel on record for the petitioner and Mr.P.H.Arvind Pandian, learned Additional Advocate General for the State, assisted by Mr. D. Raja, learned Additional Government Pleader.

4. Mr.N.L.Rajah, learned Senior Counsel contended that the petitioner's request was not for conducting any demonstration or procession. He submitted that admittedly, Dr.Anbumani Ramadoss is the sitting Member of Parliament of that area and the said two villages fall within the ambit of 8-lane Expressway and therefore, as the sitting Member of Parliament, it is necessary for him to elicit the views of the people of his constituency and articulate the same to the Government.

5. Per contra, Mr.P.H. Arvind Pandian, learned Additional Advocate General placed strong reliance upon paragraphs 41, 43 and 44 of the judgment of a Division Bench of this Court in Rama. Muthuramalingam, State Propaganda Committee Member, Thanthai Periyar Dravidar Kazhagam, Mannargudi, Tiruvarur District vs. The Deputy Superintendent of Police, Mannargudi, Tiruvarur District and others [2004 (5) CTC 554] and submitted that, when once the administrative authority apprehends serious law and order problem, the Courts should not sit in judgment over his views and overturn and grant such request. He further submitted that Dr.Anbumani Ramadoss was not denied permission in respect of any other District and that he was permitted to conduct such consultations in Tiruvannamalai, Kanchipuram and Salem Districts. As regards Dharmapuri District, the learned Additional Advocate General brought to the notice of this Court that even in the impugned order, the authorities have permitted him to have his programme at the District Headquarters.

6. This Court gave its anxious consideration to the rival submissions.

7. One can have no two opinions on the law laid down by the Division Bench of this Court in Rama. Muthuramalingam (supra) relied upon by the learned Additional Advocate General. In that case, pursuant to the arrest of Shankaracharya of Kanchipuram, the petitioner therein wanted to conduct a public meeting, which request was rejected on the ground that investigation was in progress and there is every likelihood of clash between the supporters of Shankaracharya and his opponents. Only under those circumstances, the Division Bench of this Court held that the Court should exercise self-restraint and should not sit in appeal over the decisions of the administrative authorities.

8. In this case, Dr.Anbumani Ramadoss is admittedly the local Member of Parliament. The two villages which he wanted to visit, fall within his constituency and those villages are likely to be affected by the 8-lane project. Further, he has not sought any permission for conducting any demonstration or procession. As a sitting Member of Parliament, he wants to elicit the views of the villagers and accordingly, apprise the Government. Thus, this Court is of the view that a legitimate political activity of a sitting Member of Parliament cannot be stifled on the grounds mentioned in the impugned order.

9. In the result, this petition is allowed and the impugned order dated 25.06.2018 passed by the third respondent is quashed. No costs. Consequently, connected miscellaneous petition is closed. The petitioner is directed to make a fresh application to the authorities giving alternative dates and time and the same shall be considered favourably. It is open to the

authorities to impose reasonable conditions to ensure that there is no law and order problem. The authorities shall also provide sufficient police protection to Dr.Anbumani Ramadoss and his entourage.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gms

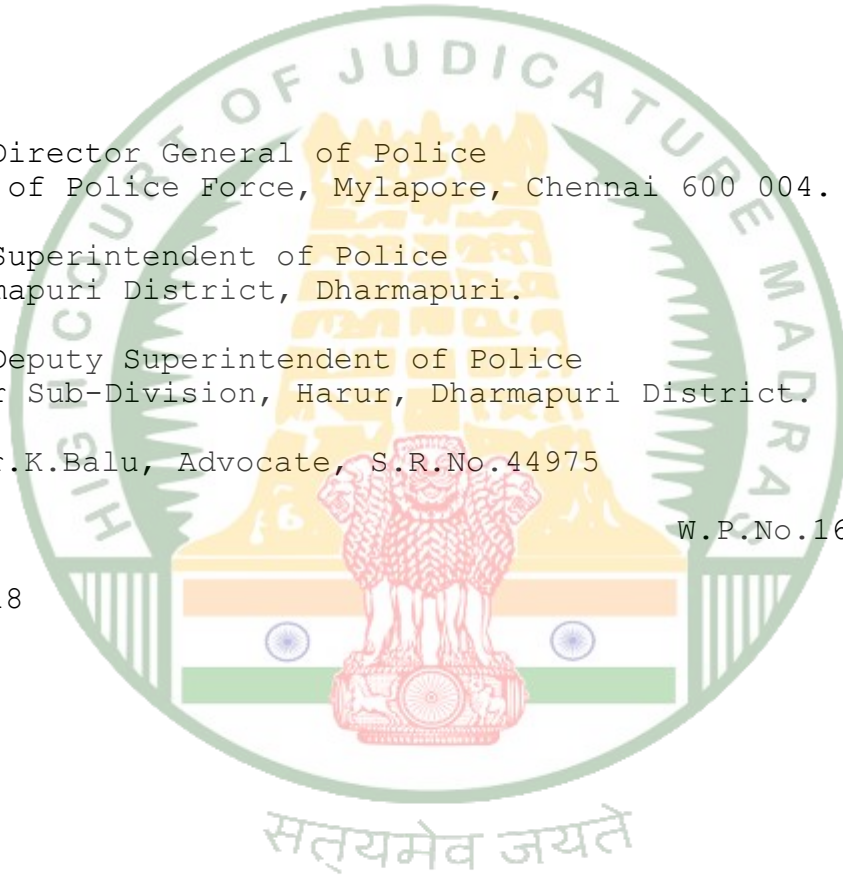
To

1. The Director General of Police
Head of Police Force, Mylapore, Chennai 600 004.
2. The Superintendent of Police
Dharmapuri District, Dharmapuri.
3. The Deputy Superintendent of Police
Harur Sub-Division, Harur, Dharmapuri District.

+1cc to Mr.K.Balu, Advocate, S.R.No.44975

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